

D.T.E. 98-103

Petition by the Statewide Emergency Telecommunications Board, pursuant to
G.L. c. 6A, § 18D (c)(4), for approval of funding to modify and enhance the 911 network.

APPEARANCES: Robert H. Watkinson

Executive Director

Statewide Emergency Telecommunications Board

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-and-

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FOR: STATEWIDE EMERGENCY TELECOMMUNICATIONS BOARD

Petitioner

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FOR: NEW ENGLAND TELEPHONE &

TELEGRAPH COMPANY D/B/A BELL

ATLANTIC-MASSACHUSETTS

Intervenor

Nicole J. LaBree

Cellular One

Westwood Executive Center

100 Lowder Brook Drive

Westwood, MA 02090

-and-

Robert L. Dewees, Jr.

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101 Federal Street

Boston, MA 02110

FOR: SOUTHWESTERN BELL MOBILE SYSTEMS D/B/A CELLULAR ONE

Intervenor

Mary McLaughlin, Esq.

6 Campanelli Drive

Andover, MA 01810

FOR: MEDIAONE TELECOMMUNICATIONS OF MASSACHUSETTS, INC.

Limited Participant

ORDER ON MOTION FOR ENTRY OF ORDER

ACCORDING TO THE STIPULATED TERMS

I. INTRODUCTION

On September 8, 1998, pursuant to G.L. c. 6A, § 18D(c)(4),⁽¹⁾ the Statewide Emergency Telecommunications Board ("SETB") filed with the Department of Telecommunications and Energy ("Department") a request for approval of funding to increase the number of dedicated trunk lines to carry calls from a primary public safety answering point ("PSAP") to a limited secondary PSAP.⁽²⁾ SETB seeks Department approval of funding to add dedicated trunk lines because its 1998 recommended expenditures exceeded the \$500,000 statutory threshold. The Department docketed this matter as D.T.E. 98-103.

Pursuant to notice duly issued, the Department conducted a public hearing on November 24, 1998, which was followed immediately by a procedural conference. At this hearing, the Department granted the petitions to intervene of New England Telephone and Telegraph Company d/b/a Bell Atlantic-Massachusetts ("Bell Atlantic"), MediaOne Telecommunications of Massachusetts, Inc., and Southwestern Bell Mobile Systems, Inc. d/b/a Cellular One. On December 8, 1998, Bell Atlantic and SETB filed with the Department a Motion for Entry of Order According to the Terms as Stipulated by the Parties and Set Forth Herein ("Motion"). The Department requested comments on the Motion by January 5, 1999. No comments were received.

II. SETB PETITION

By law, every municipality must operate, by itself or in conjunction with other municipalities, a PSAP on a twenty-four hours a day, seven days a week basis.⁽³⁾ Furthermore, calls made to these PSAPs are carried over a dedicated network. According to SETB, approximately half of the enhanced 911 ("E911") calls made in the Commonwealth are transferred from a PSAP to another location, typically a fire department or an emergency medical service location.⁽⁴⁾ Today, these calls are transferred over the public switched telephone network.

In its September 8, 1998 filing, SETB notes that 44 E911 calls transferred to a secondary PSAP were "blocked" in 1997, meaning the calls could not be completed because they were transferred to a busy signal. In this same letter, SETB states that construction of "additional dedicated trunks from the 9-1-1 tandems to the serving end central offices" would solve this problem. In other words, the extension of the dedicated network to include those calls transferred from a primary PSAP to a secondary PSAP will prevent these transferred calls from being blocked.

III. TERMS OF THE BELL ATLANTIC/SETB PROPOSAL

According to the Motion, Bell Atlantic does not oppose SETB's request to require the expenditure of approximately \$183,000 to increase the number of dedicated trunk lines to carry calls from a PSAP to a limited secondary PSAP (Motion at 2). Both Bell Atlantic and SETB agree that the Department has the authority to grant this request, and that any additional cost associated with the ongoing maintenance of these additional trunks will be treated in the same manner as other ongoing maintenance costs of the existing E911 system (*id.*). The two parties agree that the Department has continuing jurisdiction to enforce any and all of the terms of the Motion, and that this Motion is conditioned upon the Department accepting, without change or condition, all of the provisions thereof (*id.*).

IV. ANALYSIS AND FINDINGS

In a previous order, the Department decided that SETB-recommended expenditures must be "prudently incurred" to receive Department approval. Statewide Emergency Telecommunications Board, D.P.U./D.T.E. 97-87, at 5 (1998) ("SETB"). In SETB, the Department determined that pursuant to section 7 of G.L. c. 159, § 19A, read together with G.L. c. 166, § 14A and G.L. c. 6A, § 18A *et seq.*, Directory Assistance ("DA") revenues should be used to offset costs associated with providing the E911 system. SETB at 5-6. By recommending additional dedicated trunk lines to prevent transfers to busy signals, SETB and Bell Atlantic implicitly argue that this expense is prudent. Moreover, the two parties tacitly agree that the approximately \$183,000 necessary to provide a dedicated network for these transfers should be funded by the DA fund.

In assessing the reasonableness of the proposal contained in the Motion, the Department must review the record to ensure that this proposal is consistent with Department precedent and the public interest. Massachusetts Electric Company, D.P.U. 96-25 (1997); Western Massachusetts Electric Company, D.P.U. 96-8-CC (1996); Commonwealth Gas Company, D.P.U. 94-128 (1994); Barnstable Water Company, D.P.U. 91-189 (1992).

The Department finds that building additional dedicated trunks to handle E911 calls transferred from a PSAP to a limited secondary PSAP is a prudently incurred expense that is consistent with Department precedent, and is in the public interest.

V. ORDER

According, after due notice and consideration, it is

ORDERED: That the Motion for Entry of Order According to the Terms as Stipulated by the Parties and Set Forth Herein, be and hereby is granted.

By Order of the Department,

Janet Gail Besser, Chair

James Connelly, Commissioner

W. Robert Keating, Commissioner

Paul B. Vasington, Commissioner

Eugene J. Sullivan, Jr., Commissioner

Appeal as to matters of law from any final decision, order or ruling of the Commission may be taken to the Supreme Judicial Court by an aggrieved party in interest by the filing of a written petition praying that the Order of the Commission be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Commission within twenty days after the date of service of the decision, order or ruling of the Commission, or within such further time as the Commission may allow upon

request filed prior to the expiration of twenty days after the date of service of said decision, order or ruling. Within ten days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court sitting in Suffolk County by filing a copy thereof with the Clerk of said Court. (Sec. 5, Chapter 25, G.L. Ter. Ed., as most recently amended by Chapter 485 of the Acts of 1971).

1. Section 18D(c)(4) requires Department approval of all SETB-recommended expenditures affecting the provision of enhanced 911 service that exceed an aggregate total of \$500,000 in any calendar year. In addition to providing both residents and businesses with the ability to reach emergency services by dialing "9-1-1," enhanced 911 gives emergency personnel the address location of the caller. See Statewide Emergency Telecommunications Board, D.P.U./D.T.E. 97-87, at 1 n. 2 (1998).

2. By statute, each municipality in the Commonwealth shall be served by a primary public safety answering point that uses enhanced 911 network features. G.L. c. 166,

§ 14A(b). In addition, SETB shall evaluate the need for secondary public safety answering points in municipalities that have requested them. G.L. c. 6A, § 18D(c)(3).

3. G.L. c. 6A, § 18D(a)

4. Tr. at 5.